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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 ZUFFA, LLC, a Nevada Limited Liability
13 Company,

14 Plaintiff,

15 v.

16 DANIEL WALLACE, an individual,

17 Defendant.

CASE NO: 2:10-cv-01756-KJD-LRL

**ORDER GRANTING
PLAINTIFF'S MOTION TO DEEM E-
MAIL SERVICE EFFECTIVE PROCESS
UNDER RULE 4 AS TO DEFENDANT**

18 UPON CONSIDERATION of the motion filed by Plaintiff, Zuffa, LLC ("Zuffa") to deem
19 e-mail service effective process as to Defendant under Rule 4 of the Federal Rules of Civil
20 Procedure, the supporting memorandum of points and authorities, the supporting declarations and
21 evidence, the record in this case, and for other good cause shown,

22 THE COURT HEREBY FINDS THAT:

23 1. Zuffa has attempted to serve Defendant in accord with Rule 4(f) of the Federal
24 Rules of Civil Procedure, under the Convention of the Service Abroad of Judicial and
25 Extrajudicial Documents in Civil or Commercial Matters, done at the Hague ("the Hague
26 Convention"), but was unable to effectuate service;

27 2. Zuffa was able to provide Defendant with notice of the instant action via e-mail,
28 and provide electronic copies of the complaint and summons, as well as the motion for
preliminary injunction, in accord with the Court's October 13, 2010 Order.

1 3. Service by e-mail is an alternative means of service reasonably calculated to
2 provide notice to Defendant, and is an internationally agreed means of service (Fed. R. Civ. P.
3 4(f)(1)) or, at the very least, not prohibited by international agreement (Fed. R. Civ. P.
4 4(f)(2)(C)(3)).

5 4. This Court has the authority to intervene and craft an alternative means of service
6 under Rule 4(f) of the Federal Rules of Civil Procedure to permit service of process to be had
7 upon elusive international Defendants such as this Defendant (Rio Properties, Inc. v. Rio Int'l
8 Interlink, 284 F.3d 1007 (9th Cir. 2002));

9 5. That the e-mail service effectuated upon Defendant by Zuffa per this Court's
10 October 13, 2010 Order was the only method of service most likely to reach Defendant, and was
11 reasonable under the circumstances;

12 6. The balance of hardships tips in favor of Zuffa because the only address at which
13 Defendant was able to be reached was his e-mail address, not his physical address; the nature of
14 this case suggests that any further delay in the service of process will unnecessarily and
15 unreasonably prejudice Zuffa;

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1 THEREFORE, IT IS HEREBY ORDERED:

2 That the service effectuated upon Defendant by Plaintiff on October 13, 2010, shall be
3 deemed to have been an effective means of alternative service reasonably calculated to provide the
4 Defendant with notice of the instant action.

5 IT IS FURTHER ORDERED:

6 That service via electronic mail shall be deemed effective service for the purposes of the
7 instant action

8 ENTERED this 13 day of April, 2011.

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UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I hereby certify that service of **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO DEEM E-MAIL SERVICE EFFECTIVE PROCESS UNDER RULE 4 AS TO DEFENDANT** was made this 12th day of April, 2011 by electronic mail and by depositing a copy for registered international mailing to the United Kingdom, return receipt requested, in a sealed envelope upon which required postage was prepaid in Las Vegas, Nevada sent to:

Daniel Wallace
64 Boar Lane
Selsey, West Sussex, England
PO20 4AA
United Kingdom
unknownpothead@gmail.com

Date: April 12, 2011

/s/ Michelle Jenkins
An Employee of Lewis and Roca LLP